Supreme Court, U.S.
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No. 92-1317

in the Supreme Court of the United States

October Term, 1992

JOHN J. BOYLE,

Petitioner,

vs.

LOUISE SCHMITT, As Ancillary Personal Representative of the Estate of BLANCHE E. BOYLE, deceased, and LOUISE SCHMITT individually,

Respondents.

On Petition For Writ Of Certiorari to the District Court Of Appeal Of Florida, Third District

PETITIONER'S REPLY BRIEF

John J. Boyle
Petitioner
5895 S.W. 35th Street
Miami, Florida 33155
Phone: (305) 665-8439

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PETITIONER'S REPLY BRIEF

ARGUMENT IN REPLY

1. THE FEDERAL QUESTION.

The Petition For Certiorari argues that the state appellate court improperly decided this case on the basis of the petitioner's alleged misconduct against his mother,

where evidence of such misconduct was excluded from the trial. The Brief In Opposition responds as follows:

> In the penultimate paragraph of its Opinion the [state appellate court] added to the last sentence thereof a parenthetical phrase commenting on the *conduct of the son towards his mother,* which conduct ostensibly formed the motive for her rescission of the contract. (Emphasis added). *Id.*, 1.
>
> Evidence on the issue of the mother's motive in unilaterally rescinding the contract was neither relevant nor material to the legal issues of the right to rescission. *Id.*, 3.
>
> Having decided that the right of repudiation existed, and that it was exercised, the [trial] court properly ignored the son's request for a hearing on facts concerned with motive. *Id.*, 4.

It was the respondent's affirmative defenses in the answer that alleged the petitioner's misconduct toward his mother, and it was the respondent, not the petitioner, who sought to introduce evidence thereon which was excluded by the trial court. The affirmative defenses averred that the alleged misconduct excused the mother's contractual obligation toward petitioner.

Which party sought to introduce evidence on the alleged misconduct is not important to this court's jurisdiction. What is significant here is that respondent concedes these matters were not in evidence.

Yet the state appellate court declared that its decision against petitioner could not be otherwise in light of such matters. Therein lies the deprivation of due process, for the petitioner had no occasion or opportunity to introduce

rebuttal evidence to such matters. See *Saunders v. Shaw*, 244 U.S. 317, 37 S.Ct. 638, 61 L.Ed. 1163 (1917).

2. RAISING THE FEDERAL QUESTION.

The Brief In Opposition argues that petitioner failed to seize several opportunities to raise the federal question:

> The first three so-called opportunities — the reply brief, a motion to strike, and oral argument in the state appellate court — were all pre-decision. That the state appellate court would base its decision on non-record matters was not revealed until its opinion was issued. Prior to that petitioner "was not bound to contemplate a decision of the case before his evidence was heard and therefore was not bound to ask a ruling or to take other precautions in advance." *Saunders v. Shaw, supra*, 320.
>
> Incidentally, the matter of petitioner's alleged misconduct against his mother was not brought up at oral argument, but the state appellate court makes no transcript of oral argument.

Respondent argues that after the state appellate decision was issued, petitioner had the opportunity to set up the federal question by moving the appellate court to certify to the Florida Supreme Court that its decision on petitioner's alleged misconduct constituted a question "of great public importance." See Rule 9.030(a)(2)(A)(v), Fla.R.App.P.

As a matter of practice, certification is used in Florida to present unresolved issues of law to the state Supreme Court. See, for example, *Rasmussen v. South Florida Blood Service, Inc.*, 500 So.2d 533 (Fla. 1987) (right of privacy to be afforded a potential AIDS victim). *John F. Kennedy Memorial Hospital, Inc. v. Bludworth*, 452 So.2d 921 (Fla.

1984) ("right to die" issues). The denial of due process herein is not a pure question of law, but requires reference to the record's absence of a basis for the appellate court's decision.

Such a motion would have been a subterfuge for a motion for rehearing and would have been subject to sanctions. To ask the appellate court to certify to the state Supreme Court that it had denied petitioner due process in relying on non-record matters would have required petitioner to take issue with the appellate court as to the correctness of its conclusion upon this point already raised in the reply brief. As the Petition For Certiorari shows, Florida appellate rules prohibit such a practice.

Respondent argues that petitioner should have set up the federal question in his jurisdictional brief to the Florida Supreme Court. The basis for petitioner's jurisdictional brief to that court was that the appellate court's expression of unilateral revocability of a will contract was in direct conflict with other Florida appellate decisions. Petitioner stated that upon a consideration on the merits, the Florida Supreme Court would find no record basis for mutual rescission of the will contract or for the appellate court's consideration of petitioner's alleged misconduct.

But those other bases for the decision could not establish jurisdiction in the Florida Supreme Court. In a jurisdictional brief there is no opportunity to argue a non-jurisdictional issue. The first opportunity to raise and argue the merits of a non-jurisdictional issue is in a brief on the merits. An opportunity to raise the federal question means that raising it must be of some potential efficacy. Here the federal question could not possibly have formed the basis for state Supreme Court jurisdiction (as set out on pages 7 and 8 of the Petition For Certiorari), so the jurisdictional brief to that court presented no opportunity to raise the federal question.

Petitioner's reference in his jurisdictional brief to the non-jurisdictional matters was superfluous. In *Bould v. Touchette*, 349 So.2d 1181 (Fla. 1977), the non-jurisdictional issues in contention were not raised in the brief on jurisdiction. The court said that if conflict appears and it agrees to accept jurisdiction on that basis, it has a duty at that time to consider non-jurisdictional issues. "Once we take jurisdiction because of conflict on one issue, we may decide all issues." *Bankers Multiple Line Insurance Co. v. Farish*, 464 So.2d 530, 531 (Fla. 1985).

At that time petitioner would have had his first opportunity to present the merits of his due process argument and to set up the federal question. But the Florida Supreme Court declined jurisdiction, and the opportunity never arose.

3. INADEQUACY OF STATE GROUNDS.

Respondent argues that a mutual will contract should be unilaterally revocable in Florida. Nowhere in the Brief In Opposition does respondent point to a single authority in support of the adequacy of that state ground to sustain the state appellate court's decision: indeed, there are no such authorities.

Respondent states that several wills were introduced into evidence to support the argument that petitioner's parents mutually revoked the will contract relied on by petitioner. In the appendix attached hereto are copies of the will contract and all the wills introduced into evidence at the trial.

The will contract provides that each parent will bequeath the bulk of his estate directly to petitioner. *Appendix 1.* The Joint Will of 1979 provides that each parent will leave such estate to the survivor of them both,

with the remainder to the petitioner. *Appendix 2.* The mutual wills of 1981 make the same provision, excepting a fraction of such estate for estate tax purposes. *Appendix 3.* The mutual wills of 1982 make the same provision as the mutual wills of 1981, the estate tax provision being more professionally drawn. *Appendix 4.* The individual will of the father of 1987 leaves his entire estate to the petitioner. *Appendix 5.* The individual will of the mother of 1985 leaves her real property estate to the father for life, with the remainder to the petitioner. *Appendix 6.*

That the above will provisions are consistent with the will contract, and not in contravention of its terms, is supported by the Florida decisions cited on page 14 of the Petition For Certiorari. Respondent cites this court to no authority to support the statement on page 1 of the Brief In Opposition that the above wills were expressions of mutual rescission of the will contract.

In addition, the mother's will of 1987 attempts to revoke her obligation to petitioner under the will contract. *Appendix 7.* And the mother's last will of 1988 makes a similar attempt. *Appendix 8.* As cited on page 15 of the Petition For Certiorari, Florida law does not permit the individual will of a co-promisor to a will contract to vary the terms of such contract.

CONCLUSION

It is uncontroverted that the state appellate court based its decision upon matters that were not in evidence. That decision came late in the proceedings, and petitioner was afforded no opportunity thereafter to set up such violation of due process as a federal question. Respondent makes no argument to support the state grounds for the decision below. An arbitrary decision should not be allowed to stand.

John J. Boyle
Petitioner
5895 S.W. 35th Street
Miami, Florida 33155
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Appendix

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[Filed 2/19 A.D. 1992]

Case No. 88-13866

AGREEMENT TO MAKE WILL

AGREEMENT made at Miami, Florida, between James J. Boyle and Blanche E. Boyle, husband and wife.

The parties hereby recite and declare that John J. Boyle, their son, has and is performing services necessary to maintain them in reasonable comfort and dignity by managing and maintaining their real and personal property.

In consideration of the above services, James. J. Boyle and Blanche E. Boyle, shall make a Will bequeathing and devising all their property to their son, John J. Boyle, escept that all their jewelry and household effects at 5895 S.W. 35 Street, Miami, Florida, shall go to their daughter, Lousie Schmitt.

James J. Boyle and Blanche E. Boyle further agree not to revoke the Will executed prusuant to this Agreement furing their lffe.

Dated this 23rd day of August, 1979.

/s/ James J. Boyle

/s/ Blanche E. Boyle

On the date alst above written, James J. Boyle and Blanche E. Boyle, known to us to be the persons showse signatures appear at the end of the foregoing Agreement, signed the agreement in our presence and at their requ4st and in their presence and in the presence of each other, we now sign our names as attesting witnesses.

/s/ [ILLEGIBLE] 5704 Bird Rd.

/s/ [ILLEGIBLE] 5704 Bird Rd.

/s/ [ILLEGIBLE] 5704 Bird Rd.

STATE OF FLORIDA, COUNTY OF DADE

April 16, 92

(S E A L)

By /s/ [ILLEGIBLE]
Deputy Clerk

[Filed 2/19 A.D. 1992]

Case No. 88-13866

JOINT WILL

We, James J. Boyle and Blanche E. Boyle, husband and wife, residing at 5895 S.W. 35th Street, , Miami, Dade County, Florida, hereby make and publish this our Joint Last Will and Testament, revoking all prior Wills by us at any time made.

1. We give, devise and bequeath our entire estate of every kind and wheresoever situated to the survivor.

2. At the time of the death of the survivor, we hereby give, devise and bequeath to our daughter, Louise Schmitt, all our jewelry and household effects.

3. At the time of the death of the suvivor, we hereby give, devise and bequeath the balance of our entire estate of every kind and wheresoever situated to our son, John J. Boyle.

4. We urge our son, John J. Boyle, if necessary, to care for and assist our daughter, Louise Schmitt, and our son, BRuce Boyle.

5. We hereby agree with each other that each of us shall abide by the joint Will hereby made, and shall not make any Will or Codicil different from or contrary to the provisions of this Will after the death of either of us; and each of us further agrees that this, our Last Will and Testament cannot be changed or varied by either of us without the express written consent of the other.

6. We appoint our son, John J. Boyle, as Executor of this our Last Will and Testament giving to him the fullest powers permitted by law. He shall serve without bond or other security.

IN WITNESS WHEREBY, we have signed and published this our Last Will and Testament this 23rd day of August, 1979.

/s/ James J. Boyle

/s/ Blanche E. Boyle

The foregoing instrument was on the date thereof by James J. Boyle and Blanche E. Boyle, his wife, subsribed, published and declared to be their Last Joint Will and Testament in the presence of us, and each of us, who at thier request and in their presence and in the presence of each of us, who at thier request and in their presence and ofeach other have signed the same as witnesses theretol

/s/ [ILLEGIBLE] 5704 Bird Rd.

/s/ [ILLEGIBLE] 5704 Bird Rd.

/s/ [ILLEGIBLE] 5704 Bird Rd.

State of Florida
County of Dade:

We, James J. Boyle and Blanche E. Boyle, the testators and the witnesses respectively, whose names are signed to the foregoing instrument, having been sworn, declared to the undersigned officer that they, and each of them and that each of the witnesses, in the presence of the testators and in the presence of each other, signed the Will as a witness.

/s/ James J. Boyle

/s/ Blanche E. Boyle

Testators

/s/ [ILLEGIBLE]

/s/ [ILLEGIBLE]

/s/ [ILLEGIBLE]

Subscribed and sworn to before me, on the 23 day of August, 1979.

/s/ [ILLEGIBLE]
NOTARY PUBLIC, STATE
OF FLORIDA AT LARGE
MY COMMISSION
EXPIRES JULY 10, 1983
BONDED THRU
GENERAL INS.
UNDERWRITERS

STATE OF FLORIDA, COUNTY OF DADE

April 16, 92

(S E A L)

By /s/ [ILLEGIBLE]
Deputy Clerk

[Filed 2/19 A.D. 1992]

Case No. 88-13866

WILL OF JAMES J. BOYLE

I, James J. Boyle, now domiciled in the City of Miami, Dade County, Florida, declare this to be my last will. I revokeall other wills and codicils that I may previously have made.

ARTICLE 1.

My debts and expenses of my last illness, funeral, and administration of my estate shall be paid by my executor from the principal of my residuary estate as soon as practicable after my death.

ARTICLE 2.

All inheritance, estate, and succession taxes (including interest and penalties thereon but not including any generation skipping tax) payable by reason of my death shall be paid out of and be charged generally againstthe principal of my residuary estate which is not included in the share qualifying for the marital deduction, without reimbursement from any person. This provision is not a waiver of any right which my executor has to claim reimbursement for any such taxes which become payable on account of any property over which I have a power of appointment.

ARTICLE 3.

I bequeath all my person effects,household goods, and similar property not otherwise effectively transferred (such as jewelry, clothing, automobiles, furniture and furnishings, silver, books, and pictures) to my wife, Blanche E. Boyle, if she survives me for thirty days. If she does not so survive me, I bequeath such property to my son,John J. Boyle, if he survives me for thirty days.

ARTICLE 4.

I devise and bequeath all of my residuary estate bein all property,wherever situated, in which I may have any interest at the time of my death not otherwise effectively disposed of, but not including any property over which I may have a power of appointment, to my executor to be administered and disposed of as hereinafter provided:

1. If my wife survives me, my executor shall divide my residuary estate into two separate trusts,

(a) One trust (Trust A) shall be that fraction of my entire residuary estate which will secure for my estate the maximum marital deduction allowable for federal estate tax purposes,excluding, however, any increase due solely to the generation skipping tax provisions. The numerator of this fraction shall be the greater of (i) $250,000 or (ii) one-half of my adjusted gross estate (as defined in the Internal Revenue Code, but excluding any property so included under the generation skipping trust provisions) less the value of all property finally allowed as a marital deduction for property passing to my wife other than under this Article. The denominator of such fraction shall be the value of my entire residuary estate. In determining such fractional share, assets shall be valued at hgeur values as finally determined for federal tax purposes.

(b). The remaining fraction of my residuary estate shall be called "Trust B."

(c) Both trusts, or if my wife does not survive me, my entire residuary estate, shall be allocated, conveyed, transferred, and delivered to my trustee, upon the trusts set forth below.

(d) My executor shall have completediscretion in the distribution of assets to the respective trusts and the values used for such purposes, except that no asset or the proceeds of sale thereof shall be distributed to Trust A

which would not qualify for the marital deduction. Unproductive property shall not be held as an asset of Trust A for more than a reasonable time during the life of my wife without her consent.

2. (a) The trustee shall pay all the net incomeof Trust A to my wife in convenient installments at least as often as quarter-annually during her life.

(b) Whenever the trustee determines that the income of my wife from all sources known to the trustee is not sufficient for her reasonable support and comfort, the trustee shall pay to her, or use for her benefit, such sums as the trustee determines to be required for those purposes from the principal of Trust A or the principal and income of Trust B, as the trustee selects. In addition, the trusteemay in its discretion pay to, or use for the benefit of, my son, John J. Boyle so much of the income and principal of Trust B as the trustee determines to be required for the reasonable support, comfort, and education of my son, John J. Boyle.

(c) Upon the death of my wife after my death, the trustee shall distribute Trust A, as then constituted, to such person or persons, or my wife's own estate, upon such conditions and estate, in

trust or otherwise, with such powers, in such manner and at such time or times as she appoints and directs by will specifically referring to the power of appointment. To the extent that my wife does not effectively exercise her power of appointment, Trust A shall upon the death of my wife be added to and commingled with Trust B and distributed in whole, as if it had been an original part of Trust B, to my son, John J. Boyle. I am making no provision for my stepson, Bruce Michael Boyle, my daughter, Louise A. Schmitt, my grandson,Joseph Roger Schmitt, andthe unborn child of my daughter, Louise A. Schmitt (due to be born in December, 1981). However, if my son John J. Boyle, in his discretion, determines that the income of the above

unprovided for stepchild, daughterand grandchild, and undorn grandchild, from all sources known to John J. Boyle is not sufficient for their reasonable support, comfort,and education, and that of their immediate family, John J. Boyle in his discretion may pay to them or use for their benefit, so much of the income and principal of the trustas he determines to be required for thoses purposes.

ARTICLE 5.

1. No interest under this instrument shall be transferable or assignable by any beneficiary, orbe subject during his life to the claims of his creditors.

2. The trustee shall not be required to obtain authority or approval of any court in the exercise of any power permitted under this instrument. The trustee shall not be required to file accountings with any court.

ARTICLE 6.

1. I appoint my wife, Blandhe E. Boyle, and my son, John J. Boyle, as executors and trustees of this Will.

2.My executors and trustees shall not be required to give any bond for the performance of their duties.

3.Of the order of my death and that of my wifecannot be established by sufficient evidence, for purposes of this instrument my wife shall be deemed to have survived me.

I give my personal representative and trustees, my wife, Blanche E. Boyle, and my son, John J. Boyle, the fullest powers and -authority in all matters and questions, to do all acts which I might or could do if living.

IN WITNESS WHEREOF, I hereunto sign my name, and publish and declare this to be my Last Will and Testament in the presence of the persons witnessing it at my request this 20th day of April, 1981.

/s/ James J. Boyle SEAL
James J. Boyle

WE HEREBY CERTIFY that the foregoing instrument was on the day and date hereof signed, sealed, published and declared by the Testator, James J. Boyle, as and for his Last Will and Testament, in our presence, who, at his request, in his presence in the presence of each other, have subscribed our names hereto as witnesses of the execution thereof, believing said Testator, at the time of so signing, to be of sound mind and memory.

/s/ [ILLEGIBLE] residing at 6430 Sw 58th pl.

/s/ [ILLEGIBLE] residing at 312 S.W. 76 ct.

/s/ [ILLEGIBLE] residing at 6140 Sw 38 St

STATE OF LORIDA)
) SS.
COUNTY OF DADE) +

WE. ,James J. Boyle, and the above witnesses respectively, being first duly sworn, do hereby declare to the undersigned officer that the Testator signed this instrument as his Last Will and Testament, and that he signed voluntarily, in the presence of the above witnesses, and that each of the witnesses,in the presence of the Testator, at his request, and in the presence of each other, signed the will as a witness and that to thebest of their knowledge he was of sound mind and under no constraint or undue influence.

/s/ James J. Boyle
JAMES J. BOYLE

/s/ [ILLIGIBLE]
Witness

/s/ [ILLIGIBLE]
Witness

/s/ [ILLIGIBLE]
Witness

SUBSCRIBED AND ACKNOWLEDGED before me by James J. Boyle, the Testator, and subscribed and sworn to before me by him and the above witnesses, on the 20th day of April,1981.

/s/ [ILLIGIBLE]
NOTARY PUBLIC State of Fla. at large.

My commission expires:
Notary Public, State of Florida at Large
My Commission Expires Nov. 25, 1983

STATE OF FLORIDA, COUNTY OF DADE

April 16, 92

(S E A L)

By /s/ [ILLEGIBLE]
Deputy Clerk

[Filed 2/19 A.D. 1992]

Case No. 88-13866

WILL OF BLANCHE E. BOYLE

I, Blanche E. Boyle, now domiciled in the City of Miami, Dade County, Florida, declare this to be my last will.I revoke all other wills and codicils that I may previouslyhave made.

ARTICLE 1

My debts and expenses of my last illness, funeral, and administration of my estate shall be paid by my executor from the principal of my residuary estate as soon as practicable after my death.

ARTICLE 2

All inheritance, estate, and succession taxes (including interest and penalties thereon but not including any generation skipping tax) payable by reason of my death shall be paid out of and be charged generally against the principal of my residuary estate which is not included in the share qualifying for the marital deduction, without reimbursement from any person. This provision is not a waiverof any right whcih my executor has to claim reimbursement for any such taxes which become payable on account of any property over which I have a power of appointment.

ARTICLE 3

I bequeath all my personal effects, household goods, and similar property not otherwise effectively transferred (such as jewelry, clothing, automobiles, furniture and furnishings, silver books, and pictures) to my husband., James J. Boyle, if he survives me for thirty days. If he does not so survive me, I bequeath such property to my son, John J. Boyle, if he survives me for thirty days.

ARTICLE 4

I devise and bequeath all of my residuary estate, being all property, wherever situated, in which I may have any interest at the time of my death not otherwise effectively disposed of, but not including any property over which I may have a power of appointment, to my executor to be administered and disposed of as hereinafter provided:

1.If my husband survives me, my executor shall divide my residuary estate into two separate trusts,

(a) One trust (Trust A) shall be that fraction of my entire residuary estate which will secure for my estate the maximum marital deduction allowable for federal estate tax purposes, excluding, however, any increase due solely to the generation skipping tax provisions. The numerator of this fraction shall be the greater of (i) $250,000 or (ii) one-half of my adjusted gross estate (as defined in the Internal Revenue Code, but excluding any property so included under the generation skipping trust provisions) less the value of all property finally allowed as a marital deduction for property passing to my HUSBAND other than under this Article. The denominator of such fraction shall be the value of my entire residuary estate. In determining such fractional share, assets shall be valued at their values as finally determined for federal tax purposes.

(b). The remaining fraction of my residuary estate shall be called "Trust B.)

(c). Both trusts, or if my husband, James J. Boyle, does not survive me, my entire residuary estate, shall be allocated, conveyed, transferred, and delivered to my trustee, upon the trusts set forth below.

(d). My executor shall have complete discretionin the distribution of assets to the respective trusts and the values used for such purposes, except that no asset or the proceeds of sale thereof shall be distributed to Trust A

which would not qualify for the marital deduction. Unproductive property shall not be held as an asset of Trust A for more than a reasonable time during the life of my husband, James J. Boyle, without his consent.

2. (a) The trustee shall pay all the net income of Trust A to my husband, James J. Boyle, in convenient installments at least as often as quarter-annually during his life.

(b). Whenever the trustee determines that the income of my husband, James J. Boyle, from all sources known to the trustee is not sufficient for his reasonable support and comfort, the trustee shall pay to him, or use for his benefit,such sums as the trustee determines to be required for those purposes from the principal of Trust A or the principal and income of Trust B, as the trustee selects. In addition, the trustee may in his discretion pay to, or use for the benefit of my son, John J. Boyle, so much of the income and principal of Trust B as the trustee determines to be required for the reasonable support, comfort, and education of my son, John J. Boyle.

(c) Upon the death of my husband, James J. Boyle, after my death, the trustee shall distribute Trust A, as then constituted, to such person or persons, or my husband's own estate, upon such conditions and estate, in trust or otherwise, with such powers, in such manner and at such time or times as he appoints and directs by will specifically referring to the power of appointment. To the extent that my husband, James J. Boyle, does not effectively exercise his power of appointment, Trust A shall upon the death of my husband be added to and commingled with Trust B and distributed in whole, as if it had been an original part of Trust B, to my son, John J. Boyle.

(d). I am making no provision for my son, Bruce Michael Boyle, my daughter,Louise A. Schmitt, my grandson, Joseph Roger Schmitt, my grandson, James Yot Boyle, and the unborn child of my daughter, Louise A.

Schmitt (due to be born in December! 198I. However, if my son, JohnJ. Boyle, in his discretion, determines that the income of the above unprovided for children and grandchildrenis not sufficient for their reasonable support, comfort, and education, and that of their immediate family, John J. Boyle in his discretion may pay to them or use for their beenfit, so much of the income and principal of the trust as he determines to be required for those purposes.

ARTICLE 5

1. No interest under this instrument shall be transferable or assignable by any beneficiary, or be subject during his life to the claims of his creditors.

2. The trustee shall not be required to obtain authority or approval of any court in the exercise of any power permitted under this instrument. The trustee shall not be required to file accountings with any court.

ARTICLE 6

1. I appoint my husband, James J. Boyle, and my son, John J. Boyle, as executors and trustees of this Will.

2. My executors and trustees shall not be required to give any bond for the performance of their duties.

3. If the order of my death and that of my husband cannot be established by sufficient evidence, for purposes of this instrument my husband shall be deemed to have survived me.

4. I give my personal representative and trustees, my husband,James J. Boyle, and by son, John J. Boyle, the fullest powers and authority in all matters and questions, to do all acts which I might or could do if living.

IN WITNESS WHEREOF, hereunto sign my name, and publish and declare this to be my Last Will and Testament in the presence of the persons witnessing it at my request this 21st day of April, 198I.

/s/ Blanche E. Boyle SEAL
BLANCHE E. BOYLE

WE HEREBY CERTIFY that the foregoing instrument was on the day and date hereof signed, sealed, published and declared by the Testator, Blanche E. Boyle, as and for her Last Will and Testament, in our presence, who, at her request, in her presence in the presence of each other, have subscribed our names hereto as witnesses of the execution thereof, believing said Testator, at the time of signing, to be of sound mind and memory.

/s/ [ILLEGIBLE] residing at 6430 Sw 58th pl.

/s/ [ILLEGIBLE] residing at 6140 Sw 38 St

/s/ [ILLEGIBLE] residing at 5900 Bird Rd.

STATE OF FLORIDA)
) SS.
COUNTY OF DADE)

We, Blanche E. Boyle, and the above witnesses respectively, being first duly sworn, do hereby declare to the undersigned officer that the Testator signed this instrument as her Last Will and Testament, and thatshe signed voluntarily, in the prescence of the above witnesses, and that each of the witnesses, in the presence of the Testator, at her request, and in the presence of each other, signed the will as a witness and that to the best of their knowledge she was of sound mind and under no constraint or undue influence.

/s/ Blanche E. Boyle
BLANCHE E. BOYLE

/s/ [ILLIGIBLE]
WITNESS

/s/ [ILLIGIBLE]
WITNESS

/s/ [ILLIGIBLE]
WITNESS

SUBSCRIBED AND ACKNOWLEDGED before me by the said Blanche E. Boyle, the Testator, andby the Witnesses above, on this 21st day of April, 198I.

/s/ Nancy E. Handley
NOTARY PUBLIC. State of Florida at Large.

My commission expires:
Notary Public, State of Florida at Large
My Commission Expires Nov. 25, 1983

STATE OF FLORIDA, COUNTY OF DADE

April 16, 92

(S E A L)

By /s/ [ILLEGIBLE]
Deputy Clerk

[Filed 2/19 A.D. 1992]

Case No. 88-13866

LAST WILL AND TESTAMENT

OF

JAMES J. BOYLE

I, JAMES J. BOYLE, domiciled in Dade County Florida, hereby revoke all other Wills and Codicils which I have heretofore made.

ARTICLE I
TAXES AND EXPENSES

My Personal Representative shall pay all expenses of my last illness and funeral, costs of administration including ancillary, costs of safeguarding and delivering devises, and other proper charges against my estate. My Personal Representative shall pay from the residue of my estate all estate and inheritance taxes assessed by reason of my death, except that the amount, if any, by which the estate and inheritance taxes shall be increased as a result of the inclusion of property in which I may have a qualifying income interest for life or over which I may have a power of appointment shall be paid by the person holding or receiving that property. Interest and penalties concerning any tax shall be paid and charged in the same manner as the tax. I waive all rights of reimbursement for any payments made pursuant to this Article.

My Personal Representative's selection of assets to be sold to make the foregoing payments or to satisfy any pecuniary devises, and the tax effects thereof, shall not be subject to question by any beneficiary.

My Personal Representative shall make such elections under the tax laws as my Personal Representative deems advisable, without regard to the relative interests of the beneficiaries. No adjustment shall be made between

principal and income or in the relative interests of the beneficiaries to compensate for the effect of elections under the tax laws made by my Personal Representative or by the trustee.

ARTICLE II
WRITTEN STATEMENT

I devise certain items of my Personal Property in accordance with a Written Statement which I shall have prepared prior to my death in conformity with Florida law. My Personal Representative may assume that no written statement exists if none is found within thirty (30) days after admission of this Will to probate.

ARTICLE III
PERSONAL PROPERTY

I give and bequeath all my jewelry, automobiles, clothing and other personal effects, as well as household goods, to my Wife, BLANCHE E. BOYLE.

In the event my Wife predeceases me, I give and bequeath the aforesaid items to my then living children in equal shares, to be distributed among them as they shall mutually agree, or in the absence of such agreement as my Personal Representative in its discretion shall deem advisable, making such distribution in as nearly equal shares as possible.

ARTICLE IV
MARITAL DEDUCTION

If my Wife survives me, I devise to my Wife the smallest pecuniary amount which, if allowed as a Federal estate tax marital deduction, would result in the least possible Federal estate tax being payable by reasons of my death. In determining the pecuniary amount my Personal Representative shall consider the credit for state death taxes only to the extent those taxes are not thereby incurred or increased, and shall assume that all payments and devises

under the preceding articles of this Will have been made or satisfied in full. My Wife shall be deemed to have survived me if she and I die under such circumstances that there is no sufficient evidence that we died otherwise than simultaneously.

My Personal Representative shall select and distribute to my Wife the cash, securities and other property, including real estate and interests therein, which shall constitute this bequest, employing for the purpose values current at the time or times of distribution. No asset or proceeds of any asset shall be selected as to which a marital deduction is not allowable.

ARTICLE V
RESIDUARY TRUST

The residue of my estate, I give and devise to my Trustee herein named, to be held as the Residuary Trust, in accordance with the following provisions:

1. If my Wife, BLANCHE E. BOYLE, survives me, then during her lifetime all the net income from the Residuary Trust shall be paid to or applied for her benefit in convenient installments but not less frequently than quarterly.

2. In addition, my Trustee, in its sole discretion, is also authorized to pay to or apply for the benefit of my Wife such sums from the principal of the Residuary Trust as it deems necessary or advisable from time to time for her medical care and support in reasonable comfort, taking into consideration all other income available to her for such purposes from all sources known to my Trustee.

3. Upon the death of my Wife during the period of this Trust for her benefit, or upon my death in the event my Wife fails to survive me, the principal of the Residuary Trust as it is then constituted, together with undistributed or

accumulated income shall be distributed to my son, JOHN J. BOYLE, or to his descendants, per stirpes.

4. I am making no provision for my stepson, BRUCE MICHAEL BOYLE, my daughter, LOUISE A. SCHMITT, my grandson, JOSEPH ROGER SCHMITT, my granddaughter, CATHERINE SCHMITT and my grandson, JAMES YOT BOYLE.

However, if my son, JOHN J. BOYLE, in his discretion determines that any of the above beneficiaries are in need of funds for their helath, maintenance, education and support, then JOHN J. BOYLE, may pay to them or for their benefit, so much of the income and principal of his inheritance as he determines to be required for the above stated purposes.

ARTICLE VI
ADMINISTRATIVE PROVISIONS

1. While in the hands of my Trustee, neither the principal nor the income of the Residuary Trust shall be liable for the debts of any beneficiary hereunder, nor shall the same be subject to seizure or attachment of any creditor of any beneficiary under any writ or proceeding at law or equity, and no beneficiary hereunder shall have any power to sell, assign, encumber, or in any manner to anticipate or dispose of his or her interest in the Residuary Trust, or in the income produced thereby.

2. If any beneficiary who is entitled to receive a share of the principal of the Residuary Trust shall be a minor, my Trustee is hereby authorized and empowered to continue to hold and manage such share for the benefit of such minor during his or her minority, and my Trustee may accumulate all or any part of the income from such minor's share or pay so much thereof, together with such amounts of the principal of his or her share of the Residuary Trust as it shall deem proper for his or her health, maintenance, support and complete education, adding any income not so used to principal at the end of each calendar year.

3. Notwithstanding any of the foregoing provisions to the contrary, if at any time my Trustee, in its sole and absolute discretion, shall determine that the Trust Estate or any share thereof, held under this Agreement, is, for any reason, uneconomical or impractical to administer, or does not amount to at least $50,000, in value at any time, my said Trustee shall have the right to pay out to the beneficiary then entitled to the income therefrom, the then remaining principal and accumulated income of such Trust Estate or share thereof. Any interest of any other persons in such Trust Estate or share shall thereupon cease. If any beneficiary, entitled to payment by reason of this clause, be a minor, such payment may be made to the guardian, parent or persons having custody of such minor, or to a custodian under the Florida Gifts to Minors Act, and the receipt of such person shall be a full acquittance of my Trustee.

4. In case the income or any discretionary payments of principal become payable to a minor or to a person under legal disability or to a person not adjudicated incompetent, but who, by reason of illness or mental or physical disability is, in the opinion of my Trustee, unable properly to administer such amounts, then such amounts shall be paid out by my Trustee in such of the following ways as it deems best: (1) directly to such beneficiary; (2) to the legally appointed guardian or conservator of such beneficiary; (3) to some relative or friend for the care, support and education of such beneficiary; (4) by my Trustee, using such amounts directly for such beneficiary's medical care, education and support in reasonable comfort.

ARTICLE VII
POWERS OF FIDUCIARIES

Any Fiduciary named in this Will shall have all of the powers and protection granted to them by statute at the time of acting hereunder including but not limited to the prudent man rule, Revised Florida Principal and Income Law, Florida Trust Administration Act, and the Florida

Probate Code, (all as may be amended from time to time) and not in limitation of any common-law or statutory authority, and without application to any court, they shall have the powers and responsibilities described below, to be exercised in their absolute discretion:

A. To sell any and all real estate held as an asset of my Estate and Trusts at such times, at public or private sale, for such prices and upon such terms as it deems advisable, and to make, execute and deliver any deed or deeds therefor, conveying title hereto in fee simple absolute, or for any less estate to any purchaser or purchasers, freed and discharged of any and all Trusts hereunder.

B. To sell, exchange, encumber, option or otherwise dispose of all or any portion of my Estate and Trusts in such manner and upon such terms and conditions as it deeds advisable, and to make, execute and deliver deeds, mortgages, leases, assignments and other documents necessary to effectuate any of the powers granted (which shall specifically include the authority to grant leases which extend beyond the term of any Trust hereunder and beyond the period authorized by law).

C. In the general administration of my estate hereunder, my fiduciaries are authorized to exercise all tax-related elections, options and choices in such manner as will achieve, in such fiduciaries' sole judgment, the overall minimum in total combined present and reasonably anticipated future taxes of all kinds, upon not only such Estate, but also its beneficiaries, any trusts hereunder and their beneficiaries. Without limitation on the foregoing authorization to minimize taxes shall include the following particular matters:

(a) Exclusion from or inclusion in my gross estate of any assets, and all matters of valuation, in the first instance, for Federal Estate Tax purposes;

(b) Election as to alternative valuation dates for Federal Tax purposes;

(c) Allocation of such charges and costs of administration as are available for reduction of either Federal Estate or Income Taxes;

(d) Election to file or not file any permitted joint return with my spouse and/or consent or not consent to having any gifts made by my spouse treated as having been made one-half by me for Gift Tax purposes;

(e) Election to continue, revoke or make any consent to any election under Subchapter S of the Internal Revenue Code;

(f) Selection of any appropriate Income Tax year, timing of distributions and of payment of deductible expenses, etc.; and

(g) Make distribution of assets in kind in such manner and irrespective of tax cost basis to or among beneficiaries as my fiduciaries shall decide in their sole and absolute discretion.

Such fiduciaries shall not be accountable to any person interested in any trust or in my Estate for the manner in which they shall carry out this authorization to minimize overall taxes, even though their decisions in this regard may result in increased tax or decreased distribution to a trust, to the estate, or to one or more beneficiaries, and there shall in no event be any compensating readjustments or reimbursements between any of the Trusts hereunder or any of the Trust or Estate accounts or beneficiaries by reason of the manner in which the fiduciaries thus carry out said authorization.

ARTICLE VIII

I nominate and appoint my wife, BLANCHE E. BOYLE and my son, JOHN J. BOYLE, as Co-Personal

Representatives and Co-Trustees of this my Last Will and Testament.

No bond, surety or other security shall be required in this or any other jurisdiction to the contrary notwithstanding.

IN WITNESS WHEREOF, I hereunto sign my name, and publish and declare this to be my Last Will and Testament in the presence of the persons witnessing it at my request this 2nd day of June, 1982.

/s/ James J. Boyle (SEAL)
JAMES J. BOYLE

WE HEREBY CERTIFY that the foregoing instrument was on the day and date hereof signed, sealed, published and declared by the Testator, JAMES J. BOYLE, as and for his Last Will and Testament, in our presence, who, at his request, in his presence and in the presence of each other, have subscribed our names hereto as witnesses of the execution thereof, believing said Testator, at the time of so signing, to be of sound mind and memory.

/s/ [ILLEGIBLE] residing at 600 NE 36th St #1916
MIAMI FLA 33137

/s/ [ILLEGIBLE] residing at 600 NE 36 ST
MIAMI FLA 33137

STATE OF FLORIDA)
) ss.
COUNTY OF DADE)

WE, JAMES J. BOYLE JEFFREY A. KERN and CRAIG DONOFF, the Testator and the Witnesses respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned officer that the Testator signed the instrument as his Last Will and Testament and that he signed voluntarily, in the presence of the witnesses, and that each of the witnesses, in the presence of the Testator, at his request, and in the presence of each other, signed the Will as a witness and that to the best of the knowledge of each witness, the Testator was at that time 18 or more years of age, of sound mind and under no constraint or undue influence.

/s/ James J. Boyle
TESTATOR

/s/ Jeffrey A. Kern
Witness

/s/ Craig Donoff
Witness

SUBSCRIBED AND ACKNOWLEDGED before me by JAMES J. BOYLE, the Testator, and subscribed and sworn to before me by JEFFREY A. KERN and CRAIG DONOFF the witnesses, on this 2 day of JUNE, 1982.

/s/ [ILLEGIBLE]
NOTARY PUBLIC State of Florida at Large.

My commission expires:
NOTARY PUBLIC STATE OF FLORIDA
BONDED THRU GENERAL INSURANCE UND
MY COMMISSION EXPIRES APR. 9 1986

STATE OF FLORIDA, COUNTY OF DADE

April 16, 92

(S E A L)

By /s/ [ILLEGIBLE]
Deputy Clerk

[Filed 2/19 A.D. 1992]

Case No. 88-13866

LAST WILL AND TESTAMENT

OF

BLANCHE E. BOYLE

I, BLANCHE E. BOYLE, domiciled in Dade County Florida, hereby revoke all other Wills and Codicils which I have heretofore made.

ARTICLE I
TAXES AND EXPENSES

My Personal Representative shall pay all expenses of my last illness and funeral, costs of administration including ancillary, costs of safeguarding and delivering devises, and other proper charges against my estate. My Personal Representative shall pay from the residue of my estate all estate and inheritance taxes assessed by reason of my death, except that the amount, if any, by which the estate and inheritance taxes shall be increased as a result of the inclusion of property in which I may have a qualifying income interest for life or over which I may have a power of appointment shall be paid by the person holding or receiving that property. Interest and penalties concerning any tax shall be paid and charged in the same manner as the tax. I waive all rights of reimbursement for any payments made pursuant to this Article.

My Personal Representative's selection of assets to be sold to make the foregoing payments or to satisfy any pecuniary devises, and the tax effects thereof, shall not be subject to question by any beneficiary.

My Personal Representative shall make such elections under the tax laws as my Personal Representative deems advisable, without regard to the relative interests of the beneficiaries. No adjustment shall be made between

principal and income or in the relative interests of the beneficiaries to compensate for the effect of elections under the tax laws made by my Personal Representative or by the trustee.

ARTICLE II
WRITTEN STATEMENT

I devise certain items of my Personal Property in accordance with a Written Statement which I shall have prepared prior to my death in conformity with Florida law. My Personal Representative may assume that no written statement exists if none is found within thirty (30) days after admission of this Will to probate.

ARTICLE III
PERSONAL PROPERTY

I give and bequeath all my jewelry, automobiles, clothing and other personal effects, as well as household goods, to my Husband, JAMES J. BOYLE.

In the event my Husband predeceases me, I give and bequeath the aforesaid items to my then living children in equal shares, to be distributed among them as they shall mutually agree, or in the absence of such agreement as my Personal Representative in its discretion shall deem advisable, making such distribution in as nearly equal shares as possible.

ARTICLE IV
MARITAL DEDUCTION

If my Husband survives me, I devise to my Husband the smallest pecuniary amount which, if allowed as a Federal estate tax marital deduction, would result in the least possible Federal estate tax being payable by reasons of my death. In determining the pecuniary amount my Personal Representative shall consider the credit for state death taxes only to the extent those taxes are not thereby incurred or increased, and shall assume that all payments and devises

under the preceding articles of this Will have been made or satisfied in full. My Husband shall be deemed to have survived me if he and I die under such circumstances that there is no sufficient evidence that we died otherwise than simultaneously.

My Personal Representative shall select and distribute to my Husband the cash, securities and other property, including real estate and interests therein, which shall constitute this bequest, employing for the purpose values current at the time or times of distribution. No asset or proceeds of any asset shall be selected as to which a marital deduction is not allowable.

ARTICLE V
RESIDUARY TRUST

The residue of my estate, I give and devise to my Trustee herein named, to be held as the Residuary Trust, in accordance with the following provisions:

1. If my Husband, JAMES J. BOYLE, survives me, then during his lifetime all the net income from the Residuary Trust shall be paid to or applied for his benefit in convenient installments but not less frequently than quarterly.

2. In addition, my Trustee, in its sole discretion, is also authorized to pay to or apply for the benefit of my Husband such sums from the principal of the Residuary Trust as it deems necessary or advisable from time to time for his medical care and support in reasonable comfort, taking into consideration all other income available to him for such purposes from all sources known to my Trustee.

3. Upon the death of my Husband during the period of this Trust for his benefit, or upon my death in the event my Husband fails to survive me, the principal of the Residuary Trust as it is then constituted, together with undistributed or accumulated income shall be distributed to my son, JOHN J. BOYLE, or to his descendants, per stirpes.

4. I am making no provision for my son, BRUCE MICHAEL BOYLE, my daughter, LOUISE A. SCHMITT, my grandson, JOSEPH ROGER SCHMITT, my granddaughter, CATHERINE SCHMITT, and my grandson, JAMES YOT BOYLE.

However, if my son, JOHN J. BOYLE, in his discretion determines that any of the above beneficiaries are in need of funds for their helath, maintenance, education and support, then JOHN J. BOYLE, may pay to them or for their benefit, so much of the income and principal of his inheritance as he determines to be required for the above stated purposes.

ARTICLE VI
ADMINISTRATIVE PROVISIONS

1. While in the hands of my Trustee, neither the principal nor the income of the Residuary Trust shall be liable for the debts of any beneficiary hereunder, nor shall the same be subject to seizure or attachment of any creditor of any beneficiary under any writ or proceeding at law or equity, and no beneficiary hereunder shall have any power to sell, assign, encumber, or in any manner to anticipate or dispose of his or her interest in the Residuary Trust, or in the income produced thereby.

2. If any beneficiary who is entitled to receive a share of the principal of the Residuary Trust shall be a minor, my Trustee is hereby authorized and empowered to continue to hold and manage such share for the benefit of such minor during his or her minority, and my Trustee may accumulate all or any part of the income from such minor's share or pay so much thereof, together with such amounts of the principal of his or her share of the Residuary Trust as it shall deem proper for his or her health, maintenance, support and complete education, adding any income not so used to principal at the end of each calendar year.

3. Notwithstanding any of the foregoing provisions to the contrary, if at any time my Trustee, in its sole and

absolute discretion, shall determine that the Trust Estate or any share thereof, held under this Agreement, is, for any reason, uneconomical or impractical to administer, or does not amount to at least $50,000, in value at any time, my said Trustee shall have the right to pay out to the beneficiary then entitled to the income therefrom, the then remaining principal and accumulated income of such Trust Estate or share thereof. Any interest of any other persons in such Trust Estate or share shall thereupon cease. If any beneficiary, entitled to payment by reason of this clause, be a minor, such payment may be made to the guardian, parent or persons having custody of such minor, or to a custodian under the Florida Gifts to Minors Act, and the receipt of such person shall be a full acquittance of my Trustee.

4. In case the income or any discretionary payments of principal become payable to a minor or to a person under legal disability or to a person not adjudicated incompetent, but who, by reason of illness or mental or physical disability is, in the opinion of my Trustee, unable properly to administer such amounts, then such amounts shall be paid out by my Trustee in such of the following ways as it deems best: (1) directly to such beneficiary; (2) to the legally appointed guardian or conservator of such beneficiary; (3) to some relative or friend for the care, support and education of such beneficiary; (4) by my Trustee, using such amounts directly for such beneficiary's medical care, education and support in reasonable comfort.

ARTICLE VII
POWERS OF FIDUCIARIES

Any Fiduciary named in this Will shall have all of the powers and protection granted to them by statute at the time of acting hereunder including but not limited to the prudent man rule, Revised Florida Principal and Income Law, Florida Trust Administration Act, and the Florida Probate Code, (all as may be amended from time to time) and not in limitation of any common-law or statutory

authority, and without application to any court, they shall have the powers and responsibilities described below, to be exercised in their absolute discretion:

A. To sell any and all real estate held as an asset of my Estate and Trusts at such times, at public or private sale, for such prices and upon such terms as it deems advisable, and to make, execute and deliver any deed or deeds therefor, conveying title hereto in fee simple absolute, or for any less estate to any purchaser or purchasers, freed and discharged of any and all Trusts hereunder.

B. To sell, exchange, encumber, option or otherwise dispose of all or any portion of my Estate and Trusts in such manner and upon such terms and conditions as it deeds advisable, and to make, execute and deliver deeds, mortgages, leases, assignments and other documents necessary to effectuate any of the powers granted (which shall specifically include the authority to grant leases which extend beyond the term of any Trust hereunder and beyond the period authorized by law).

C. In the general administration of my estate hereunder, my fiduciaries are authorized to exercise all tax-related elections, options and choices in such manner as will achieve, in such fiduciaries' sole judgment, the overall minimum in total combined present and reasonably anticipated future taxes of all kinds, upon not only such Estate, but also its beneficiaries, any trusts hereunder and their beneficiaries. Without limitation on the foregoing authorization to minimize taxes shall include the following particular matters:

(a) Exclusion from or inclusion in my gross estate of any assets, and all matters of valuation, in the first instance, for Federal Estate Tax purposes;

(b) Election as to alternative valuation dates for Federal Tax purposes;

(c) Allocation of such charges and costs of administration as are available for reduction of either Federal Estate or Income Taxes;

(d) Election to file or not file any permitted joint return with my spouse and/or consent or not consent to having any gifts made by my spouse treated as having been made one-half by me for Gift Tax purposes;

(e) Election to continue, revoke or make any consent to any election under Subchapter S of the Internal Revenue Code;

(f) Selection of any appropriate Income Tax year, timing of distributions and of payment of deductible expenses, etc.; and

(g) Make distribution of assets in kind in such manner and irrespective of tax cost basis to or among beneficiaries as my fiduciaries shall decide in their sole and absolute discretion.

Such fiduciaries shall not be accountable to any person interested in any trust or in my Estate for the manner in which they shall carry out this authorization to minimize overall taxes, even though their decisions in this regard may result in increased tax or decreased distribution to a trust, to the estate, or to one or more beneficiaries, and there shall in no event be any compensating readjustments or reimbursements between any of the Trusts hereunder or any of the Trust or Estate accounts or beneficiaries by reason of the manner in which the fiduciaries thus carry out said authorization.

ARTICLE VIII

I nominate and appoint my husband, JAMES J. BOYLE and my son, JOHN J. BOYLE, as Co-Personal Representatives and Co-Trustees of this my Last Will and Testament.

No bond, surety or other security shall be required in this or any other jurisdiction to the contrary notwithstanding.

IN WITNESS WHEREOF, I hereunto sign my name, and publish and declare this to be my Last Will and Testament in the presence of the persons witnessing it at my request this 2nd day of June, 1982.

/s/ Blanche E. Boyle (SEAL)
BLANCHE E. BOYLE

WE HEREBY CERTIFY that the foregoing instrument was on the day and date hereof signed, sealed, published and declared by the Testatrix, BLANCHE E. BOYLE, as and for her Last Will and Testament, in our presence, who, at her request, in her presence and in the presence of each other, have subscribed our names hereto as witnesses of the execution thereof, believing said Testatrix, at the time of so signing, to be of sound mind and memory.

/s/ [ILLEGIBLE] residing at 600 NE 36 ST
MIA FLA 33137

/s/ [ILLEGIBLE] residing at 600 NE 36th st #1916
MIAMI FLA 33137

STATE OF FLORIDA)
) ss.
COUNTY OF DADE)

WE, BLANCHE E. BOYLE CRAIG DONOFF and JEFFREY A. KERN, the Testatrix and the Witnesses respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned officer that the Testatrix signed the instrument as her Last Will and Testament and that she signed voluntarily, in the presence of the witnesses, and that each of the witnesses, in the presence of the Testatrix, at her request, and in the presence of each other, signed the Will as a witness and that to the best of the knowledge of each

witness, the Testatrix was at that time 18 or more years of age, of sound mind and under no constraint or undue influence.

/s/ Blanche E. Boyle
TESTATRIX

/s/ Craig Donoff
Witness

/s/ Jeffrey A. Kern
Witness

SUBSCRIBED AND ACKNOWLEDGED before me by BLANCHE E. BOYLE, the Testatrix, and subscribed and sworn to before me by CRAIG DONOFF and JEFFREY A. KERN, the witnesses, on this 2 day of JUNE, 1982.

/s/ [ILLEGIBLE]
NOTARY PUBLIC State of Florida at Large.

My commission expires:
NOTARY PUBLIC STATE OF FLORIDA
BONDED THRU GENERAL INSURANCE UND
MY COMMISSION EXPIRES APR. 9 1986

STATE OF FLORIDA, COUNTY OF DADE

April 16, 92

(S E A L)

By /s/ [ILLEGIBLE]
Deputy Clerk

[Filed 2/19 A.D. 1992]

Case No. 88-13866

LAST WILL AND TESTAMENT

I, JAMES J. BOYLE, of 5875 S.W. 35th Street, Miami, County of Dade and State of Florida, being of sound mind and memory and realizing the uncertainties of this life, do hereby make, publish and declare this to be my last Will and Testament, hereby expressly revoking any and all wills by me at any time heretofore made.

FIRST: I direct that all my just debts and funeral expenses be promptly paid out of the principal of my estate.

SECOND: I hereby constitute and appoint my son, JOHN J. BOYLE, of 5895 S.W. 35th Street, Miami, Florida, to be the Personal Representative of this my last Will and Testament. It is my desire that my son, JOHN J. BOYLE, shall not be required to give bond in any amount for the faithful performance of his duties hereunder as Personal Representative.

THIRD: I give and bequeath and devise all of my property, real and or personal, and wheresoever situate, to my son, JOHN J. BOYLE, per stirpes, for his own use and benefit absolutely and forever.

FOURTH: I authorize and empower my Personal Representative to sell, mortgage and or lease all or any of the real and or personal property of which I may die seized or possessed, at public or private sale, and without court order, at such times and on such terms and conditions as he shall deem best and proper, and to execute, acknowledge and deliver all proper writings, bills of sale, deeds of conveyance and transfers therefor.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Coral Gables, County of Dade and State of Florida, this the 7th day of October, 1987.

/s/ James J. Boyle (SEAL)
JAMES J. BOYLE

The above and foregoing typewritten instrument was subscribed by the Testator, JAMES J. BOYLE, in our presence and acknowledged by him to each of us to be his last Will and Testament, and we at his several request, have signed our names as witnesses hereto in his presence and in the presence of each other and written opposite our names our respective places of residence.

Coral Gables, Florida, this the 7th day of October, 1987.

NAME	RESIDENCE
[ILLEGIBLE]	2600 SEGOVIA ST. CORAL GABLES, FL. 33134
[ILLEGIBLE]	6830 S.W. 59th Street Miami, Florida 33143

STATE OF FLORIDA, COUNTY OF DADE

April 16, 92

(S E A L)

By /s/ [ILLEGIBLE]
Deputy Clerk

[Filed 2/19 A.D. 1992]

Case No. 88-13866

LAST WILL AND TESTAMENT

OF

BLANCHE E. BOYLE

I, BLANCHE E. BOYLE, of Dade County, Florida, by this instrument revoke my former Wills and Codicils to them and declare this to be my Will.

ARTICLE I
BENEFICIARIES

The following persons are named beneficiaries of this Will:

My Husband, JAMES J. BOYLE,

My Daughter, LOUIS ANN SCHMIDT

My Son, JOHN J. BOYLE

My Son, BRUCE M. BOYLE

My Grandchildren, JAMES BOYLE;
NISA BOYLE;
KATHERINE BOYLE

ARTICLE II
SPECIFIC DEVISE-LIFE ESTATE

If my Husband, JAMES J. BOYLE, shall survive me, I devise to him all real property which I may own at the time of my death, to have and to hold during the term of his life, then to my son, JOHN J. BOYLE, in fee simple absolute. I direct that my said Husband during his life tenure shall pay all charges incident to maintaining said property including, without limitation, all assessments, insurance premiums, taxes, and ordinary repairs.

I direct that my said Husband shall not be required to furnish or file in any court an inventory of the property herein devised to him for life, nor to give a bond or other security for the safekeeping thereof.

ARTICLE III
SPECIFIC DEVISE

To my Daughter, LOUISE ANN SCHMIDT, I devise the sum of $100.00.

ARTICLE IV
RESIDUAL BENEFICIARIES

All the rest, residue and remainder of the property which I may own at the time of my death, real, personal and mixed, tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this Will, including all lapsed legacies and devises or other gifts made by this Will fail for any reason, including any property over or concerning which I may have any power of appointment, I devise 10% to my son BRUCE M. BOYLE, and the remaining balance of my residuary estate to my grandchildren, JAMES BOYLE, NISA BOYLE and KATHERINE BOYLE, born to my son JOHN J. BOYLE, to share and share alike per capita.

If, subsequent to the execution of this Will, there shall be an additional child or children born to my son, JOHN J. BOYLE, and if any such child or children shall survive me, such child or children shall share in the benefits of my estate equally and to the same extent (and to no greater extent) and in the same manner as my grandchildren heretofore named; and the provisions of this Will shall be deemed modified to the extent necessary to effectuate this intention.

ARTICLE V
PAYMENT OF CLAIMS, EXPENSES AND ESTATE TAXES

I direct my Personal Representative to pay from my probate estate all of the expenses of my last illness, funeral expenses, costs of administration and other proper charges against my estate. I also direct my Personal Representative to pay from my probate estate all costs of ancillary administration, and all estate and inheritance taxes that are payable because of my death, even though property that is included in the determination of a tax does not pass under this Will. Insofar as possible that payment shall be made as an expense of administration without apportionment to anyone and without seeking contribution from anyone, provided, however, that any estate tax attributable to property of a trust included in my gross estate for the federal estate tax shall be paid from the property of that trust. The tax attributable to the trust shall be the amount by which the tax paid exceeds that amount of tax that would have been payable if the trust had not been included in the gross estate. No payment shall be made of a generation skipping transfer tax.

ARTICLE VI
TRUST FOR CHILDREN AND INCOMPETENTS

Provided, however, notwithstanding any other provisions in this Will, except for gifts of tangible personal property, no gifts of income or principal that otherwise would be distributed from my estate or from this or any other trust or under a power of appointment created or exercised by this Will shall vest, except as provided in this item in

(a) any person who has not attained his 18th birthday at the time for distribution, or in

(b) any person who, in the judgment of the fiduciary making the distribution, shall be unable to manage his own

property or affairs because of illness, disability, incompetency or other reason, whether or not the incompetency is adjudicated, that person being referred to hereafter as being under disability.

Instead, the gift that otherwise would be distributed to that person shall be distributed to the Trustees of the TRUST FOR CHILDREN AND INCOMPETENTS hereafter appointed, in trust, for that person and managed and distributed as follows:

A. The Trustees shall hold the gift for each person as an undivided share for his benefit in the TRUST FOR CHILDREN AND INCOMPETENTS, which share shall be the proportion that the value of the gift bears to the value of the entire principal of the trust at the time of the gift, including the value of the gift. Shares of beneficiaries shall be adjusted from time to time for contributions to principal and for invasions and distributions of principal and additions to principal of undistributed income. If a share exists in this trust for a beneficiary for whom a distribution is to be made to this trust, the distribution shall be added to the existing share in this trust for the beneficiary in order that there will be only one share under this item for the same beneficiary.

B. If in the judgment of the Trustees a beneficiary who has been under disability becomes able to manage his own property and affairs and the beneficiary has attained his 18th birthday, his share of the trust assets shall be distributed to him in the manner hereafter provided; but if he has not attained that birthday, his share in the trust shall continue and be administered as for a beneficiary not under disability.

C. Income of the trust shall be distributed in the following manner:

(1) Until a beneficiary attains his 21st birthday, and as long as a beneficiary is under disability, his share of the

net income of the trust shall be distributed to or for his direct or indirect benefit in the discretion of the Trustees, the distribution to be determined and made in the same manner and for the purposes for which discretionary distributions of principal are authorized. All undistributed income shall be added to the principal of the beneficiary's share in the trust.

(2) All of the net income from the share of a beneficiary not under disability shall be distributed to or for the benefit of the beneficiary if he has attained his 21st birthday. Distributions shall be made not less frequently than quarter annually, and at the request of a beneficiary or his guardian, they shall be made monthly.

D. Discretionary distributions of the principal of a share in the trust may be made from time to time or for the direct or indirect benefit of the beneficiary of the share even though it results in exhausting the principal of the share. The distributions shall be in such amounts as in the discretion of the Trustee shall be necessary or desirable for reasonable support and maintenance of the beneficiary in good health, and for his welfare and education, taking into consideration the standard of living to which the beneficiary or his family is accustomed at the time of the distribution. This discretion shall be exercised after taking into consideration all other income and cash resources known to the Trustees that are available to the beneficiary for such purposes, including the obligation of support by another without borrowing or making sales of property. In exercising this discretion, the Trustees shall be primarily concerned with the interest of the income beneficiary rather than the remaindermen.

E. When a beneficiary not under disability attains his 21st birthday his share in the trust shall be distributed to him, and the trust terminated as to him.

F. If a beneficiary shall die before termination of his share, in trust, upon his death his share in the trust estate shall be managed and the principal and income distributed in the manner appointed by his Will duly proved and by specific reference to this appointment, provided the appointment shall be to or for the benefit of one or more persons for his grandparents, their descendants, the spouses and former spouses of his grandparents and their descendants, or either of them, other than the beneficiary's estate, his creditors or the creditors of his estate. Any property not so appointed shall be distributed according to the order of interstate succession to those persons who would be the beneficiary's heirs if he had died interstate as a Florida resident.

G. If in the judgment of the Trustees the value of the principal held in this trust does not warrant the continuance of the trust under the circumstances then existing, the Trustees in their discretion are authorized to terminate the trust and to distribute to each beneficiary his share of the assets of the trust. A distribution to a beneficiary who is a minor at the time of distribution shall be made to the custodian for the minor under the Florida Gift to Minors Act. If there is none, the custodians shall be appointed by the Trustees, and the Trustees may appoint one of themselves as custodian.

H. Provided, however, if all of a share in the trust created under this Will has not vested 21 years after the death of the survivor of the beneficiaries and contingent beneficiaries of the trust who are living at the time of my death, then at that time the remainder of the trust shall vest in the beneficiaries to whom income may be distributed, that vesting to be in the proportions in which the beneficiaries are eligible to receive distribution of income if made. In the case of the undetermined shares, the vesting shall be in per stirpital shares. Each share shall be held by the Trustees in trust for the beneficiary as part of the TRUST FOR

CHILDREN AND INCOMPETENTS, elsewhere described and administered and distributed in the manner provided for that trust, except that if the beneficiary shall die before receiving distribution of his share in the trust, this share shall be distributed to the Personal Representative of the beneficiary's estate.

I. Except for the right to disclaim, and except as specifically provided by powers of appointment, no principal or income distributable from this trust shall be subject to anticipation, assignment, mortgage or pledge in any manner by any beneficiary, and shall not be reached by any legal or equitable or other proceedings, including bankruptcy proceedings, in satisfaction of any debts or liability of a beneficiary prior to receipt by the beneficiary.

ARTICLE VII
APPOINTMENT OF PERSONAL REPRESENTATIVE AND TRUSTEE

(A) I hereby nominate, constitute and appoint my Daughter-in-law, NISA BOYLE, of 5895 S.W. 35 Street, Miami, Florida 33155, as my Personal Representative of my estate. Should she predecease me, or fail to qualify, or having qualified should die, resign or become incapacitated during the period of administration of my estate, then I appoint my son, JOHN J. BOYLE, of 5895 S.W. 35 Street, Miami, Florida 33155, as successor Personal Representative. I direct that no bond be required of any individual Personal Representative.

(B) I appoint my Daughter-in-law, NISA BOYLE, of 5895 S.W. 35 Street, Miami, Florida 33155, Trustee of the trust described in this Will. Should she predecease me, or fail to predecease me, resign, become incapacitated or otherwise fail to serve as Trustee of the trust, then I appoint my son, JOHN J. BOYLE, of 5895 S.W. 35 Street, Miami, Florida 33155 to serve as Trustee of that trust. I direct that no bond be required on any individual Trustee.

(C) I have appointed the Personal Representatives named in this Will in reliance upon my faith in their ability and integrity. For this reason, a Trustee named in this Will that does not serve as Personal Representative of my estate is relieved of all duties that he otherwise might have to examine into and satisfy itself as to the accounts of the Personal Representative in the administration of my estate. The Trustee is authorized to accept assets that are distributed to the Trustee by the Personal Representative of my estate as being in full satisfaction of all gifts to the Trustee under this Will. For the same reason, any Trustee that succeeds a Trustee named in this Will is relieved of all duties that it otherwise might have to examine into and satisfy himself as to the accounts of the predecessor Trustee. The successor Trustee is authorized to accept the assets delivered to him by the predecessor Trustee as constituting the entire trust estate.

(D) I waive compliance with any law requiring qualification of Trustees or registration of trusts, or administration or accounting by Trustees under the supervision of any court. Instead, the Trustees shall furnish not less frequently than annually an accounting to each trust beneficiary who is entitled to receive current distributions of income whether or not distributed, and whether or not the distribution is discretionary. The accounting shall be only for the trust in which the person receiving the accounting is interested. Any person legally entitled to act for him shall state in writing his objections to an accounting and deliver the objections to the Trustees within six months after receipt of a copy of the accounting. Failure to object in this manner shall constitute a waiver of objections. The waiver shall be binding as to all matters stated in the accounting, or as shown by it, upon all persons claiming under the waiving beneficiary, whether or not in being, who are then or thereafter may become eligible to share in either the principal or the income of the trust for which the accounting is made.

(E) Each Trustee hereunder, whether originally designated herein or appointed as successor, shall have the right to resign at any time by giving thirty days written notice to that effect to the current income beneficiary or a majority of such, shall have the right within such thirty day period to appoint a successor Trustee and shall notify the Trustee of such appointment. In the event the current income beneficiary or beneficiaries shall fail to designate a successor Trustee within the time specified, the then acting Trustee may apply to a court of competent jurisdiction for leave to resign, for the appointment of a successor and the judicial settlement of its account.

(F) Any successor Trustee hereunder shall possess and exercise all powers and authority herein conferred on the original Trustee.

(G) No purchaser or other person dealing with any Trustee or Trustees purporting to act under any power or authority granted in, or given by any Trustee in purported compliance with this item, or any part or parts of it, need be concerned to inquire into the existence of facts upon which the purported power or authority depends, or into the question whether the purported power or authority still exists.

(H) The Personal Representatives and Trustees shall not be liable for damage or loss caused by honest errors of judgment made by them or their agents or employees, or by any good faith exercise of the discretions given them.

ARTICLE VIII
POWERS OF PERSONAL REPRESENTATIVE AND TRUSTEE

I hereby grant to my Personal Representative and also to the Trustee of each trust established hereunder, including any substitute or successor Personal Representative or Trustee, the continuing, absolute, discretionary power to deal with any property, real or personal, held in my estate or

in any trust, as freely as I might in the handling of my own affairs. Such power may be exercised independently and without the prior or subsequent approval of any court or judicial authority, and no person dealing with the Personal Representative or Trustee shall be required to inquire into the propriety of any of their actions. Without in any way limiting the generality of the foregoing, I hereby grant to my Personal Representative and also to any Trustee hereunder, the following specific powers of authority in addition to, and not in substitution of, powers conferred by law:

(A) To compromise, settle or adjust any claim or demand by or against my estate or any trust and to agree to any rescission or modification of any contract or agreement.

(B) To retain any security or other property owned by me at the time of my death, so long as such retention appears advisable, and to exchange any such security or property for other securities or properties and to retain such items received in exchange. My Personal Representative or Trustee may presume that I have confidence in the securities owned by me at the time of my death, and therefore no sale thereof shall be made solely in order to diversify investments. I also waive the provisions of F.S.A. sec. 738.12 relating to underproductive property with respect to any property owned by me at the time of my death.

(C) To sell, exchange, assign, transfer and convey any security or property, real or personal, held in my estate or in any trust fund, at public or private sale, at such time and price and upon such terms and conditions including credit as it may determine.

(D) To invest and reinvest in such stocks, bonds and other securities and properties as it may deem advisable, including stocks and unsecured obligations, undivided interests, interests in investment trusts, common trust funds, stock in a mutual trust investment company, mutual funds, leases, and property which is outside of my domicile,

all without diversification as to kind or amount, without being restricted in any way by any statute or court decision, now or hereafter existing, regulating or limiting investments by fiduciaries.

(E) To register and carry any property in its own name or in the name of its nominees or to hold it unregistered, but without hereby increasing or decreasing its liability as fiduciary.

(F) To sell or exercise any "rights" issued on any security held in my estate or in any trust fund hereunder.

(G) Unless inconsistent with other provisions of this instrument, to consider and treat as principal all dividends payable in stock, all dividends in liquidation, and all "rights" issued on securities and to consider and treat as income all other dividends received except those declared and payable as of a "record date" preceding my death, which shall be considered and treated as principal.

(H) To charge or credit to principal any premiums and discounts on securities purchased at more or less than par.

(I) To vote in person or by proxy any stocks or securities held, and to grant such proxies and powers of attorney to such person or persons as it may deem proper.

(J) To consent to and participate in any plan for the liquidation, reorganization, consolidation or merger or any corporation, any security of which is held.

(K) To borrow money from itself individually or from others upon such terms and conditions as it may determine and to mortgage and pledge estate and trust assets as security for the payment thereof.

(L) To lease any real estate for such term or terms and upon such conditions and rentals and in such manner as it may deem advisable with or without privilege of purchase, and any lease so made shall be valid and binding for the full

term thereof even though same shall extend beyond the duration of the trust. To make repairs, replacements and improvements, structural or otherwise, to any such real estate, to insure against fire or other risk and to charge the expense thereof to principal or income or apportion same between principal and income as it may deem proper. To subdivide real estate, to dictate some to public use and to grant easements as it may deem proper.

(M) Whenever required or permitted to divide and distribute my estate or any trust created thereunder, to make such division or distribution in money or in kind or partly in money and partly in kind; and to exercise all powers herein conferred, after the termination of any trust until the same is fully distributed.

(N) To employ accountants, attorneys and such agents as it may deem advisable; to pay reasonable compensation for their services and to charge same to or apportion same between income and principal as it may deem proper.

(O) Unless consistent with other provisions of this instrument, to hold two or more trusts or other funds in one or more consolidated funds, in which the separate trusts or funds shall have undivided interests.

(P) Wherever authorized by this instrument to accumulate or distribute income, to make such decision free from attack or question by any person, it being intended that the Trustee may feel free to make such decisions on the basis of the facts as they exist at the time any such decision is made.

(Q) With respect to any trust governed by this instrument, to distribute to any one or more of its beneficiaries from the principal thereof such sums as in the sole discretion of the Trustee shall be sufficient to insure such trust being treated under the federal income tax law as one having no "undistributed net income" for a given taxable year, as that term is defined in the federal Internal

Revenue Code, sec. 665, if the Trustee, in its sole discretion, shall deem such treatment desirable for any reason.

(R) Abandon, in any way, property which it determines not to be worth protecting.

(S) With regard to all policies of insurance on my life which designate any Trustee hereunder as beneficiary, the Trustee is specifically authorized and empowered:

(a) to execute and deliver receipts and other instruments and to take such action as may be appropriate to obtain possession and control of such policies.

(b) to execute and file proofs of claim required to collect the proceeds thereof and the receipt of my Trustee shall constitute full acquittance to insurance companies for all proceeds so paid; provided, however, that my Trustee shall be under no obligation to institute legal proceedings for the collection of proceeds of any policy until and unless it has been indemnified to its satisfaction for all costs and expenses, including attorneys' fees.

(c) to elect, in its discretion, any optional modes of settlement available to it under said policies.

(d) to receive insurance proceeds and to administer and distribute same as principal in accordance with the dispositive provisions of this Will; and in connection therewith to divide, apportion and distribute said proceeds between the trusts created hereunder, including the power to make tentative allocations between such trusts and subsequently adjust same.

(e) to use the proceeds of insurance policies in the purchase from my estate of such assets as the Trustee deems advisable without being limited to assets authorized by law for the investment of trust funds.

(T) No assets which are exempt from federal estate tax, if not payable to my Personal Representative, shall be used

by my Personal Representative for the payment of debts, funeral expenses, administrative expenses, taxes or other obligations of my estate.

(U) To satisfy any charitable pledge, devise or any other similar obligation with cash or assets, in kind, as the Personal Representative or Trustee in its discretion shall elect.

(V) To make any distribution or division required under this Will, including the satisfaction of any pecuniary devise in cash or in other property, real or personal, or undivided interests therein, or partly in cash and partly in such other property, and prorata or otherwise as to any particular asset, and to do so without regard to the income tax basis of specific property allocated to any beneficiary, including any trust.

ARTICLE IX
PRESUMPTION OF SURVIVORSHIP

If my Husband and I should die under circumstances that render it doubtful whether my Husband or I died first, it shall be presumed conclusively for the purpose of making distributions under this Will of property owned by us jointly with the right of survivorship or in an estate by the entirety and of proceeds of life insurance, that my Husband predeceased me.

ARTICLE X
DEFINITIONS

Wherever in this instrument the context and facts permit, masculine, feminine and neuter pronouns and the words "Personal Representative" and "Trustee", whether singular or plural, shall include the singular and plural and all genders and future fiduciaries as well as those named in this instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 28th day of October, 1985.

/s/ Blanche E. Boyle
BLANCHE E. BOYLE

THE FOREGOING INSTRUMENT, consisting of fifteen (15) pages, including this page, was signed, sealed, published and declared by BLANCHE E. BOYLE, the Testatrix, as and for her Last Will and Testament, in our presence, and being present at the same time and thereupon we, at her request, subscribed our names as witnesses this 28th day of October, 1985.

/s/ [ILLEGIBLE] residing at [ILLEGIBLE]

/s/ [ILLEGIBLE] residing at 3651 NW 16ST
MIAMI FL 33195

/s/ [ILLEGIBLE] residing at [ILLEGIBLE]

STATE OF FLORIDA)
SS.
COUNTY OF DADE)

We, BLANCHE E. BOYLE, David A. [ILLEGIBLE] [ILLEGIBLE] and KAREN E [ILLEGIBLE], the Testatrix and witnesses, respectively, whose names are signed to the attached instrument, being first duly sworn, do hereby declare to the undersigned officer that the Testatrix signed the instrument as her Last Will and Testament and that she signed it voluntarily and that each of the witnesses, in the presence of the Testatrix, at her request, and in the presence of each other signed the Will as a witness thereto, and that to the best of the knowledge of each witness, the Testatrix was at that time eighteen (18) or more years of age, of sound mind and under no constraint or undue influence.

/s/ Blanche E. Boyle
TESTATRIX

/s/ [ILLEGIBLE]
WITNESS

/s/ [KAREN E. ILLEGIBLE]
WITNESS

SUBSCRIBED and ACKNOWLEDGED before me by BLANCHE E. BOYLE, the Testatrix, and SUBSCRIBED AND SWORN to before me by [ILLEGIBLE], [ILLEGIBLE] and KAREN E. [ILLEGIBLE], the witnesses, on the 28th day of October, 1985.

/s/ [ILLEGIBLE]
NOTARY PUBLIC STATE OF FLORIDA AT LARGE

My Commission Expires:
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES SEPT 30, 1989
BONDED THRU GENERAL INS. UND.

STATE OF FLORIDA, COUNTY OF DADE

April 16, 92

(S E A L)

By /s/ [ILLEGIBLE]
Deputy Clerk

[Filed 2/19 A.D. 1992]

Case No. 88-13866

LAST WILL AND TESTAMENT

OF

BLANCHE E. BOYLE

I, BLANCHE E. BOYLE, a resident of Dade County, Florida, being of sound and disposing mind, memory and understanding, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking any and all prior Wills and Codicils thereto, heretofore made by me.

FIRST

I give, devise and bequeath such of my tangible personal property to those persons who are designated in a separate writing in existence at the time of my death, which is signed by me and which describes the items and the devisees with reasonable certainty.

SECOND

Not being unmindful of my husband, James Boyle and my sons, John Boyle and Bruce Boyle, I hereby give, devise and bequeath all of the rest, residue and remainder of my estaste, whether real, personal or mixed, of whatever kind and description and wheresoever situate, to my daughter, LOUISE ANN SCHMITT, and nominate, constitute and appoint her as Personal Representative of this, my Last Will and Testament, to serve without bond.

THIRD

If my said daughter should predecease me I hereby give, devise and bequeath all of the rest, residue and remainder of my estate to my grandchildren, JOSEPH SCHMITT and CATHERINE SCHMITT share and share alike, and nominate, constitute and appoint my son-in-law, ROGER

SCHMITT as Personal Representative of this, my Last Will and Testament.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Coral Gables, Dade County, Florida this 15ty day of September 1987.

/s/ Blanche E. Boyle (SEAL)

WE, the undersigned attesting witnesses, do hereby certify and acknowledge that we have, this 15th day of September 1987, in the City of Coral Gables, Florida, seen the above named Testatrix affix her signature on the bottom of Pages 1 and at the end of the above and foregoing instrument, which was declared by her to be her Last Will and Testament, and we have, at her request, and in her presence and in the presence of each other, affixed our signatures hereto as witnesses thereof, we each believing that the said Testatrix is of sound and disposing mind, memory and understanding; this clause having first been read to us and we now intending to certify that the matters and things set forth took place in fact and in the order stated.

/s/ Denise M Kadar residing at 5930 SW 59 ST
MIAMI, FLORIDA 33143

/s/ Belkis Villar residing at 237 Madeira Ave.
Coral Gables, Fla. 33134

/s/ Robert M. Brake residing at 1300 Coral Way
Coral Gables, Florida

STATE OF FLORIDA
COUNTY OF DADE

BLANCHE E. BOYLE, and Robert M. Brake and Belkis Villar the Testatrix and witnesses respectively whose names are signed to the foregoing instrument, were sworn and declared to the undersigned officer that the Testatrix signed the instrument as his Last Will and Testament; and that she and each of the witnesses signed in the presence of each other and their capacities set forth herein.

/s/ Blanche E. Boyle
Testatrix

/s/ Robert M. Brake
Witness

/s/ Belkis Villar
Witness

Subscribed and sworn to before me this 15th day of September 1987

/s/ [ILLIGIBLE]
Notary Public, State of Florida at Large.

My Commission Expires:
Notary Public, State of Florida at Large
My Commission Expires Sept 22, 1990

STATE OF FLORIDA, COUNTY OF DADE

April 16, 92

(S E A L)

By /s/ [ILLEGIBLE]
Deputy Clerk

[Filed 2/19 A.D. 1992]

[RECORDED JUN 5 1989]

Case No. 88-13866

Superior Court of the State of California
FOR THE COUNTY OF SAN DIEGO

RECEIPT FOR DEPOSITED WILL (PR. C. 320)

Last Will and Testament of BLANCHE E BOYLE

Number of Pages (Will) 1 (Codicils) 0

Deposited by L. FREDERICK WILLIAMS

Number 36083

Date Received 5/5/89

ROBERT D. ZUMWALT,
County Clerk

By /s/ [ILLEGIBLE]
Deputy

A TRUE COPY
CERTIFICATION ON LAST PAGE
MARSHALL ADER, CLERK

OFF. REC BK.
14130PG0315

STATE OF FLORIDA, COUNTY OF DADE

April 16, 92

(S E A L)

By /s/ [ILLEGIBLE]
Deputy Clerk

LAST WILL AND TESTAMENT

OF

BLANCHE E. BOYLE

I, BLANCHE E. BOYLE, a resident of San Diego, California, being of sound and disposing mind, memory and understanding, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking any and all prior Wills and Codicils thereto, heretofore made by me.

FIRST

Not being unmindful of my sons, John Boyle, who is now suing me, and Bruce Boyle, I hereby give, devise and bequeath all of the rest, residue and remainder of my estate, whether real, personal or mixed, of whatever kind and description and wheresoever situate, to my daughter, LOUISE ANN SCHMITT, and nominate, constitute and appoint her as Personal Representative of this, my Last Will and Testament, to serve without bond.

SECOND

If my said daughter should predecease me or be unable to serve, I hereby give, devise and bequeath all of the rest, residue and remainder of my estate to my grandchildren, JOSEPH SCHMITT AND CATHERINE SCHMITT share and share-alike, and nominate, constitute and appoint my son-in-law, ROGER SCHMITT as Personal Representative of this, my Last Will and Testament.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Encinitas, San Diego County, California this 19th day of December, 1988.

/s/ Blanche E. Boyle (SEAL)

/s/ [ILLEGIBLE] (WITNESS)

/s/ [ILLEGIBLE] (WITNESS)

OFF. REC BK. 14130PG0316

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT
IN AND FOR DADE COUNTY, FLORIDA

PROBATE DIVISION 02

CASE NO. 89-2886

Florida Bar No: 008306

IN RE: THE ESTATE OF

BLANCHE E. BOYLE

Deceased

COPY OF CALIFORNIA RECEIPT
FOR WILL AND WILL

State of Florida
County of Dade
I hereby Certify this document a true copy of the Original Instrument

Witness my hand and Official Seal,

This _____ day of JAN -9 1992

Clerk Circuit Court

By /s/ Judith Humphries 3813
JUDITH HUMPHRIES
Deputy Clerk